

Update on Privacy / Administrative Documents:

Requires Final Action – Not Quite Finished:

Agreement	Function	Signatory
Privacy Script Template	Adapted by Agencies to stabilize the Privacy dialogue with Clients. Covers rights / risks / benefits of the proposed sharing.	No Signature but a copy is given to each household.
Required Actions: Governance Committee can review and approve. If you do not approve you can return it to Committee for edits. Agencies will use it as a sample and will adapt it to the type of data they collect and if they are sharing.		
Participation Agreement	Defines the rules of the implementation	Participating Agencies and MCAH
<p>Required Actions: The HOLD Harmless Clause in the Agreement is not acceptable to agency lawyers. Recommendations :</p> <ul style="list-style-type: none"> • We simplify the document by removing VIII. Limitation of Liability. This section is not in the Michigan Agreement and feels hinky due to the fact that Bowman is liable for basic system operation. If however you feel it is important it should be rewritten. • I'd like to replace the existing HOLD Harmless (Section VII #1) with one that is in common use by funders in NC. Heather and the GC review team are working on this. Michigan's is basically "I am not liable for your bad acts and you are not liable for mine" I defer to the GC Group. • Related to the Section VII #1, the question is whether in addition to MCAH the clause also covers the GC (even though you are not an entity), and the local Agency that employs the LSA. Even if the GC is removed based on your lawyer recommendations, it may make some sense to leave in the CoC Local HMIS Agency? • Matt has expressed concerns about oversight of statewide publication by the CoCs. That is, beyond named data he is concerned that CoCs will not want their data included in the document at all. The current language on the most recent version of the Participation Agreement reads <i>"The Agency acknowledges that NORTH CAROLINA GOVERNANCE COMMITTEE or MCAH or both will be preparing de-identified research data sets to support research and planning. All research and publication of data shall be preapproved through the Governance Committee or follow Governance Committee policies for research and publication of data."</i> I think that it is covered here sufficiently however I could add more specific language to the P&Ps that require each CoC to sign off on being included in these documents. That would allow us to live with it a while and see how people feel after we have been through a publication season. It will slow things down. However, I am certainly willing to handle it in any way you recommend. 		
HMIS Policies and Procedures	Sets minimum standards for the HMIS. It may be adapted to be more strict at the CoC Level.	Once any adaptations are made by the local CoC they sign the Policy. The Plan is to have an initial Draft out by 5/15/15. We do anticipate some edits.

Ready for Release with Governance Approval (no edits)

Agreement	Function	Signatures
Privacy Notice NC HMIS	<p>Serves as a sample Privacy Notice for all participating agencies include MCAH</p> <ul style="list-style-type: none"> Covers both HIPAA covered and none covered entities. If the agency has an existing Notice they should update to include NC HMIS in it's language 	Not Required but must be posted on the Agencies Web Site and be available for Consumers.

Completed and in use (No Action Required):

Agreement	Function	Signatures
Administrative QSOBAA / Data Use Agreement	Binds those that provide Administrative Services (SA and LSAs) to privacy laws.	Participating Agency Agency Employing LSA MCAH
Sharing Agreement / QSOBAA	Creates a Data Sharing Plan for purposes of Coordinating care and binds parties (agencies) to privacy standards.	Participating Agencies – (managed by the CoCs)
Users Agreement	Binds all Users to project standards and privacy rules	All licensed Users , LSA and the Executive Director of the Agency (Stored at Agency & LSA)
Release of Information & Sharing Plan	<p>Informed Consent for all clients:</p> <ul style="list-style-type: none"> Explains NC HMIS Determines how the Search screen in handled Agencies that are not sharing data may omit the Sharing Plan. Defines the proposed Sharing Plan Allows for reciprocal sharing. Once Agreement covers all sharing partners 	Adult Consumers and Agency co-sign
HUD Privacy Notice	HUD's statement about why they ask programs to collect information from Consumers	Must be posted anywhere clients are interviewed. NC Agencies already have this Notice. We will audit for it.
Interim MOU NC HMIS	Recognizes MCAH as the Lead HMIS in NC. This is the agreement that defines the relationship between MCAH and CoCs	CoC Chair and MCAH